

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHLOË, S.A.S., J. CHOO LIMITEED,

Plaintiff,

Case No.: 07 CIV 6491

-against-

ANSWER

KEN CHEN a/k/a SHU CHEN a/k/a XIANG CHEN, DANIEL
DOE, GODDESS TRADING d/b/a GODDESS
TRADING@HOTMAIL.COM, LUXUNG GOODS, LUXURY
GOODS, TERRY DOE d/b/a AZNTERRY911@HOTMAIL.COM,
JASON DOE d/b/a JARRY326@YAHOO.COM.CN, FASHION
HANDBAGS, BENNY DOE, JEANCARLO DOE, JOSEPH a/k/a
JOSE DOE, SISI a/k/a CECI DOE, TOP LUXURY HANDBAGS
d/b/a LUXURYHANDBAGS277@YAHOO.COM, FRANCISCO
DOE, BEN DOE, CARLOS DOE, INSTYLE LUXURY
HANDBAGS, CORINA DOE a/k/a QIMIAO HU a/k/a YE GUO
a/k/a GUO Q YE, NEWCOME TRADING d/b/a TOSCA, QUICK
GLOBAL SHIPPING, HOWARD SHIPPING EXPRESS, RANDY
DOE, JAE MAN YOO, YAN HE XIA, WAI KIT WONG, CHEN
LI YU, CHEN X. JIANG, W. FEI ZENG, CHEN CHEN, XIANXN
CAI, FUALEJANDRO CHANG, WAI KIT LEW, ENYI HUANG,
YUE XU, SONG GAO, LISA WU, JIMMY NG, TUAN PHAN,
LING CAI, LISA CHAN YAN FEN CHEN, P.S.K. AMERICA,
INC., HENG FA INC., CHEN STAR GIFT SHOP, JOEY'S GIFT
SHOP, INC., CATSE CO., INC., SHEN XING GIFT SHOP INC.,
NEW WEALTH TRADING, INC. d/b/a TOSACA USA, TOSAC
HANDBAGS, NICE HANDBAGS, 265 CANAL BOOTH #16, 265
CANAL BOOTH #5, 265 CANAL BOOTH #4, 277 CANAL
ADJACENT h-3d, 412a BROADWAY, and various JOHN and
JANE DOES and XYZ COMPANIES (UNIDENTIFIED),

Defendants.

-----X
Defendants **ENYI HUANG and SHEN XING GIFT SHOP, INC.**, by their attorneys

ADDABBO & GREENBERG, in answer to the amended complaint of Plaintiffs herein,

respectfully state and allege upon Information and Belief, as follows:

PARTIES

1. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs 1-35, 37-49, and 51-61 of the complaint.

2. Denies the allegations of paragraph 36 of the complaint, except admits that ENYI HUANG, is an individual and transacts business at 248B Canal Street, New York, NY 10013.

3. Denies the allegations contained in paragraph 50 of the complaint, except admits that SHEN XING GIFT SHOP INC., is a corporation organized and existing under the laws of the State of New York and transacts a business at 248B Canal Street New York, NY 10013.

JURISDICTION AND VENUE

4. Admits the allegations of Paragraphs 62-65 of the complaint.

CHLOÈ'S TRADEMARKS

5. Defendants deny knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in paragraphs 66-77.

JIMMY CHOO'S TRADEMARKS

6. Defendants deny knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in paragraphs 78-89.

DEFENDANTS' CONDUCT

7. Defendants deny the allegations contained in paragraphs 90-97 of the complaint.

COUNT ONE
FEDERAL TRADEMARK COUNTERFEITING

8. Defendants deny the allegations contained in paragraphs 98-102 of the complaint.

COUNT TWO
UNFAIR COMPETITION

9. Defendants deny the allegations contained in paragraphs 103-108 of the complaint.

COUNT THREE
FEDERAL TRADEMARK DILUTION

10. Defendants deny the allegations contained in paragraphs 109-114 of the complaint.

COUNT FOUR
COMMON LAW TRADEMARK INFRINGEMENT

11. Defendants deny the allegations contained in paragraphs 115-120 of the complaint.

COUNT FIVE
COMMON LAW UNFAIR COMPETITION

12. Defendants deny the allegations contained in paragraphs 121-126 of the complaint.

COUNT SIX
NEW YORK TRADEMARK DILUTION

13. Defendants deny the allegations contained in paragraphs 127-129 of the complaint.

COUNT SEVEN
UNLAWFUL DECEPTIVE ACTS AND PRACTICES

14. Defendants deny the allegations contained in paragraphs 130-134 of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE THE ANSWERING DEFENDANTS ENYI HUANG and SHEN XING GIFT SHOP IN., ALLEGE:

15. Plaintiffs' complaint failed to state a cause of action against the answering defendants, ENY HUANG and SHEN XING GIFT SHOP INC.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE THE ANSWERING DEFENDANTS ENYI HUANG and SHEN XING GIFT SHOP IN., ALLEGE:

16. Plaintiffs' marks and the goodwill of the business associated with them are not distinctive.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE THE ANSWERING DEFENDANTS ENYI HUANG and SHEN XING GIFT SHOP IN., ALLEGE:

17. Defendants do not have the knowledge of Plaintiff's marks.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE THE ANSWERING DEFENDANTS ENYI HUANG and SHEN XING GIFT SHOP IN., ALLEGE:

18. Defendants never intended to use the alleged similarity between Plaintiffs' and their products to cause confusion, or to cause mistake, or to deceive.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE THE ANSWERING DEFENDANTS ENYI HUANG and SHEN XING GIFT SHOP IN., ALLEGE:

19. Defendants' products are not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Plaintiffs.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE THE ANSWERING DEFENDANTS ENYI HUANG and SHEN XING GIFT SHOP IN., ALLEGE:

20. Defendants' conducts are fair use of Plaintiffs' marks, which are not actionable.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE THE ANSWERING DEFENDANTS ENYI HUANG and SHEN XING GIFT SHOP INC., ALLEGE:

21. Plaintiffs suffered no damage or injury from Defendants' conducts.

WHEREFORE, the answering Defendants, ENYI HUANG and SHEN XING GIFT SHOP INC., respectfully request a judgment:

a) dismissing the complaint against ENYI HUANG and SHEN XING GIFT SHOP INC.;

b) denying all the relief sought therein against ENYI HUANG and SHEN XING GIFT SHOP INC., together with reasonable attorney fees and costs as such other and further relief as to the Court deems just and proper.

DEMAND FOR JURY

Defendants ENYI HUANG and SHEN XING GIFT SHOP INC. hereby demand a jury as to any issue so triable.

Dated: Forest Hills, New York
September 27, 2007

Yours, etc.,

ADDABBO & GREENBERG

By: /s/ Todd D. Greenberg
Todd D. Greenberg
Attorneys for Defendants
ENYI HUANG and SHEN XING GIFT SHOP INC
118-21 Queens Blvd. - Suite 306
Forest Hills, New York 11375
(718) 268-0400

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2007, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system, which will send notification and delivery of such filing to registered participants for the litigation in which this document has been filed.

Dated: Forest Hills, New York
September 28, 2007

Yours, etc.,

ADDABBO & GREENBERG

By: /s/ Todd D. Greenberg
Todd D. Greenberg
Attorneys for Defendants
ENYI HUANG and
SHEN XING GIFT SHOP INC
118-21 Queens Blvd. - Suite 306
Forest Hills, New York 11375
(718) 268-0400